

Public Chapter 232

HOUSE BILL NO. 1106

By Representative McAfee

Substituted for: Senate Bill No. 1537

By Senator Crutchfield

AN ACT to amend Tennessee Code Annotated, Section 38-6-114 and Title 68, Chapter 11, Part 2, relative to criminal background checks of home care organization employees or volunteers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following language as a new, appropriately designated section:

Section _____. (a) A home care organization which provides home health services or hospice services may require any person who applies for employment with the organization as a paid employee or as a volunteer, to do one (1) or more of the following:

(1) Agree to the release of all investigative records to such organization for examination for the purpose of verifying the accuracy of criminal violation information contained on an application to work for such organization or to provide volunteer services; or

(2) Supply fingerprint samples, or submit to a criminal history records check to be conducted by the Tennessee Bureau of Investigation.

(b) Any costs incurred by the Tennessee Bureau of Investigation in conducting such investigation of applicants shall be paid by the home care organization requesting such investigation and information. Payment of such costs are to be made in accordance with the provisions of § 38-6-103.

SECTION 2. Tennessee Code Annotated, Section 38-6-114, is amended by designating the existing language as subsection (a), and by adding the following language to be designated as subsection (b):

(b) The Tennessee Bureau of Investigation, at the request of a home care organization pursuant to Section 1 of this act, shall receive fingerprint samples from the home care organization and shall check such prints against its records and, to the extent permitted by federal law, also check such prints against records maintained by the Federal Bureau of Investigation to determine if prior criminal convictions exist and shall release such information to the organization which requested it in a timely manner.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.